UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,372	02/10/2004	Craig D. Church	SKY-03-005	9524

25537 7590 05/08/2007

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

EXAMINER	
ALLEN, WILLIAM J	
ART UNIT	**PAPER NUMBER**
3625	

NOTIFICATION DATE	DELIVERY MODE
05/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No.	Applicant(s)	
	10/774,372	CHURCH, CRAIG D.	
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,7,10-12,14-21,23-26 and 42-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 7, 10-12, 14-21, 23-26, and 42-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Prosecution History Summary

Claims 2-3, 5-6, 8-9, 13, 22, and 27-41 have been canceled per Applicant's amendment. \

Claims 42-49 have been added.

Claims 1, 4, 7, 10-12, 14-21, 23-26, and 42-49 are pending and rejected as set forth below.

Response to Arguments

Applicant's arguments with respect to claims 1, 12, and 20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment has necessitated the new interpretation of the claims and thus necessitated the new grounds of rejection. However, to further clarify the position of the examiner, it is noted that Fano does teach determining the location of the user using a GPS receiver and further determines whether the user is in range of a site that has items of interest (i.e. the site containing items of interest constituting the claimed "first site"). When in range, Fano presents the user with a menu of the items of interest available from the store containing the items of interest. In other words, Fano is able to determine the location of the user and determine whether the location of the user is within a range of a first site having specified items of interest or not within a first site (i.e. at a second site) not having items of interest. Thereby, for at least these reasons, Fano teaches the noted limitations as shown below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4, 7, 11-12, 18, 20-21, 23-24, and 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (US 6317718) in view of Swartz (US 6937998).

Regarding claim 1 and related claims 12, 20-21, 45, and 48-49 Fano teaches:

determining whether a portable device is or is not located within a first site (see at least: col. 47 lines 20-24); Note: A store closest to the user containing items of interest constitutes a *first site*;

wherein when the portable device is located within the first site (e.g. when the device is within range of the store having items of interest):

sending a menu of items located at the first site to the portable device for displaying to the user (see at least: col. 47 lines 61-66); Note: the system suggests items of interest (i.e. *menu*) using the display;

receiving, from the portable device, a selection by the user of at least one item from the menu of items located at the first site (see at least: col. 48 lines 22-25);

sending location information regarding the at least one item selected from the menu of items at the first site to the portable device for displaying to the user (see at least: col. 48 lines 22-25); Note: alerting the user to an alternate "local retailer" constitutes *location information.*

Additionally, when the portable device is not within range of the first site (store containing items of interest) and is within range of a second site (a store not containing the items of interest), Fano teaches providing a generic menu of items from the store not containing items of interest (see at least: col. 47 line 66-col. 48 line 26). If one of the items displayed is selected, location information such as alternative local retailers having the item is displayed (Note: this aspect parallels *a second processing logic to receive item selections, transit them to a server, and receive location information* as in claim 21). Though Fano teaches such aspects as suggesting local retailers and providing a menu of items from a second site, Fano does not explicitly teach *sending to the portable device a menu of sites located within a vicinity of the portable device for displaying to the user and receiving from the portable device a selection of a second site from the menu of sites by the user* when the portable device is not located within the first site.

In the same field of endeavor, Swartz teaches a portable terminal carried by a user and in wireless communication with a local area network for displaying data based on the physical location of the user (see at least: abstract). More specifically, Swartz teaches where a user is located in a common area (i.e. when the user is not within range of a store having items of interest and thereby *when the portable device is not located within the first site*), selecting a product category such as clothes, *sending a menu of sites located within the vicinity of the*

portable device (see at least: Fig. 10 (note #'s 110, 112, 114), col. 9 lines 47-57) and *receiving a selection of a second site from the menu of sites* (see at least: Fig. 10, col. 9 lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano to have included *when the portable device is not located within the first site sending to the portable device a menu of sites located within a vicinity of the portable device for displaying to the user and receiving from the portable device a selection of a second site from the menu of sites by the user* as taught by Swart in order to allow a user to locate a particular supplier of products or services to expedite the processing of a mall transaction (see at least: Swartz, col. 9 line 65-col. 10 line 3).

Regarding claims 4, 7, 11, 18, 23-24, and 47 Fano in view of Swart teaches:

(4) *further comprising establishing a connection between the portable device an a server via a wireless connection or an optical connection* (see at least: Swartz, Fig. 1, col. 4 lines 34-47).

(7) and related (47) *wherein the first site includes a store and the second site includes a store* (see at least: Fano, col. 47 lines 20-24 and 61-66; Swartz, abstract, Fig. 2, Fig. 10).

(11) *wherein the location information includes a location of each of the at least one selected item from the menu of items from the first or second site* (see at least: Fano, col. 47 line 61-col. 48 line 26).

(18) *wherein the processing logic is further configured to send the selection.of the at least one item to the server via an e-mail message* (see at least: col. 32 line 60-col. 33 line 6).

(23) *wherein the first processing logic sends an indication to the portable device indicating whether the portable device is located at a particular site* (see at least: col. 47 line 58-col. 48 line 26, Fig. 27). The Examiner notes that displaying the particular items of interest indicates that the user is at a particular site.

(24) *displays at least one menu when the second processing logic determines that the device is not located at the first site, and*

refrain from displaying the at least one menu when the second processing logic determines that the device is located at the first site (see at least: col. 47 line 58-col. 48 line 26, Fig. 27). The Examiner notes that a menu of general merchandise (i.e. at least one menu) is displayed when the user is not at a particular site and a specific items of interest menu is displayed when the user is at a particular site; thereby, the system refrains from showing the

general merchandise menu (i.e. the at least one menu) when at the first site and instead displays the specified items of interest menu.

Regarding claims 42 and related claims 43-44 and 46, Fano in view of Swartz teaches when the portable device is not located within the first site:

sending to the portable device a menu of items located at the second site for displaying to the user,

receiving from the portable device a selection by the user of at least one item from the items at the second site, and

sending location information regarding the at least one item selected from the menu of items at the second site to the portable device for displaying to the user (see at least: Fano, col. 47 line 66-col. 48 line 26). Note: when the portable device is not within range of the first site (store containing items of interest) and is within range of a second site (a store not containing the items of interest), Fano teaches providing a generic menu of items from the store not containing items of interest. If one of the items displayed is selected, location information such as alternative local retailers having the item is displayed.

3. Claims 10, 14-15, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano in view of Swartz, as applied above, in further view of Perkowski (US 20020194081).

Regarding claims 10, 14, and 19, Fano in view of Swartz teaches all of the above and further teaches a PDA with email capabilities (see at least: col. 32 line 60-col. 33 line 6). Fano in view of Swartz, however, does not expressly *teach providing a user of the portable device with an option of having results sent via e-mail to an e-mail address provided by the user via the portable device.* Perkowski teaches providing a user of the portable device with an option of having results sent via e-mail to an e-mail address provided by the user via the portable device (see at least: 0915, 0922, 0935, 1125-1127). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano in view of Swartz to have included providing a user of the portable device with an option of having results sent via e-mail to an e-mail address provided by the user via the portable device as taught by Perkowski in order to o request and obtain information about a service-provider's consumer service so as to make informed/educated purchases (see at least: Perkowski, abstract).

Regarding claims 15 and 25, Fano in view of Swartz teaches all of the above as noted and further teaches implementing speech recognition and touch sensitive displays (see at least: Fano, Fig. 26; Swartz, col. 9 lines 47-57). Fano in view of Swartz, however, does not expressly teach wherein the processing logic is further configured to receive the selection of the at least one item when the user touches the touch screen with one of an electronic pen, a stylus, and a finger in an area where a representation of each of the at least one item is displayed on the display. Perkowski teaches wherein the processing logic is further configured to receive the selection of the at least one item when the user touches the touch screen with one of an electronic pen, a stylus, and a finger in an area where a representation of each of the at least one item is displayed on the display (see at least: 0037-0038, 0092, 0122, 0124). It would have been obvious at the time of invention to have modified the invention of Fano to have included a touch-screen display as taught by Perkowski in order to allow users to easy access and display information associated with a particular consumer product by simply touching the graphical image or icon of a particular consumer product displayed on the touch-screen enabled (see at least: Perkowski, 0124).

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fano in view of Swartz, as applied above, and further in view of Ludtke (US 20020138372).

Regarding claim 16, Fano teaches all of the above and further teaches the use of a touch sensitive screen (see at least: Fano, Fig. 26; Swartz, col. 9 lines 47-57). Fano in view of Swartz, however, does not teach *wherein the processing logic is further configured to receive the selection of the at least one item when the user writes a name of the at least one item on the touch screen with one of an electronic pen, a stylus, and a finger.* In the same field of endeavor, Ludtke teaches a system for locating products using a PDA or similar remote device (see at least: abstract). More specifically, Ludtke teaches *wherein the processing logic is further configured to receive the selection of the at least one item when the user writes a name of the at least one item on the touch screen with one of an electronic pen, a stylus, and a finger* (see at least: 0055). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano in view of Swartz to have included *wherein the processing logic is further configured to receive the selection of the at least one item when the user writes a name of the at least one item on the touch screen with one of an electronic pen, a stylus, and a finger* as taught by Ludtke in order to allow a user of a mobile wireless device to easily obtain location information by asking the remote device at any point using a pen and touch screen combination where a particular product or class of products are located (see at least: Ludtke, 0055).

5. **Claims 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano in view of Swartz, as applied above, and further in view of Malackowski et al. (US 20030027555).**

Regarding claims 17 and 26, Fano in view of Swart teaches all of the above and further teaches the use of a touch sensitive screen and voice response (see at least: Fano, Fig. 26; Swartz, col. 4 lines 40-43, col. 5 lines 12-16, col. 9 lines 47-57). Fano in view of Swartz, however, does not explicitly teach wherein the processing logic is further configured to receive the selection of the at least one item *when the user says a name of the at least one item.* Malackowski teaches wherein the processing logic is further configured to receive the selection of the at least one item *when the user says a name of the at least one item.* (see at least: abstract, 0018, 0115). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano to have included wherein the processing logic is further configured to receive the selection of the at least one item when the user says a name of the at least one item as taught by Malackowski in order to allow a user of a mobile wireless device to easily obtain information via an IVR by simply speaking the product name (see at least: Malackowski, 0018, 0058).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
April 26, 2007

MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600